

TOWN OF SOUTHAMPTON

Department of Land Management
Zoning Board of Appeals
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968

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PRELIMINARY AGENDA – NOT OFFICIAL

SOUTHAMPTON TOWN ZONING BOARD OF APPEALS PUBLIC HEARING AGENDA May 21, 2015

The Zoning Board of Appeals meeting is held in the Town Board Room, 116 Hampton Road, Southampton. Applications are scheduled to begin at 7:00 p.m., or shortly thereafter. Applications may not be heard in the order as they appear on this agenda. Current agendas may be viewed on the internet at the following address: www.southamptontownny.gov

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES

Please note: Applications highlighted in GRAY have requested an adjournment or have requested to withdraw the application

MINOR VARIANCE REVIEW

SCTM - HAMLET

- 951 Cobb Road West, LLC.** (appl. 1500066) 900-160-1-8.4 Water Mill
951 Cobb Road West Laura
Applicant requests relief from Town Code §330-11 (residence districts table of dimensional regulations) for a principal minimum side yard setback of 19.4 feet where 20 feet is required and a principal total side yard setback of 48.8 feet where 60 feet is required for a proposed two-story dwelling with attached garage on a nonconforming lot and any other relief necessary.
- Shoji Building Group, Inc.** (appl. 1500067) 900-177-2-38.1 Shinnecock Hills
132 Hill Station Road Helene
Applicant requests relief from Town Code §330-11 (residence districts table of dimensional regulations) for a principal front yard setback to 63.3 feet where 80 feet is required and a rear yard setback of 86.3 feet where 100 feet is required for a proposed two-story dwelling on a nonconforming lot and any other relief necessary.

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HOLDOVER APPLICATION

SCTM – HAMLET

Held over from the 9/6/12 meeting; adjourned from the 1/3/13, 4/18/13, 10/3/13, 4/3/14, 10/2/14 and the 1/15/15 meeting:

3. **Southampton Day Camp Realty LLC (Change of Use)** (appl.1200091)
665 Majors Path ~~David~~ 900-97-3-17.1 North Sea
Applicant requests a variance pursuant to Town Code §330-167(B)(3) to allow a change from one nonconforming use to another nonconforming use, that is, from an existing seasonal tennis camp to a seasonal day camp and any other relief necessary.

NEW APPLICATIONS

SCTM – HAMLET

4. **CR39 Holding, LLC.** (appl.1500069) Laura 900-158-2-4 Tuckahoe
574 County Road 39
Applicant requests relief from the following provisions of the Town Code for a proposed two-story building on a nonconforming lot: (i) §330-115C (Continuance) for a principal front yard setback of 44.3 feet where 45 feet was existing for a proposed covered porch; (ii) a principal side yard setback to 24.2 feet to the westerly roof overhang (eave) where 30 feet is the setback to a permitted eave encroachment and a principal front yard setback to 42.3 feet to the northerly roof overhang (eave) where 43.5 feet is the setback to a permitted eave encroachment; and (iii) §330-34 (business districts table of dimensional regulations) for total side yard setbacks of 54.9 feet for the building and to 50.4 feet for the proposed covered entrance on the East side and the proposed covered porch on the West side and any other relief necessary.
5. **Luis F. Escobar** (appl. 1500042) Adam 900-256-1-27.1 Hampton Bays
46 West Tiana Road
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a total side yard setback of 42.2 feet where 40 feet is required for a proposed one-story addition and relief from Town Code §330-76D (placement of accessory buildings and uses) and §330-83(C) yards to allow the one-story frame garage to be located within the required minimum and total side required side yard of the principal building on a nonconforming lot and any other relief necessary.
6. **Alan & Judith Schrieber** (appl. 1500065) Herb 900-341-1-28 East Quogue
31 Walnut Avenue
Applicant requests relief from the following provisions of the Town Code for structures constructed without the benefit of building permits on a nonconforming lot: 1. For the one-story addition to the existing dwelling: (i) §330-115C (continuance) for a principal minimum side yard setback of 6.4 feet where 13.7 feet is existing and (ii) §330-84D (pyramid height) for an encroachment in the amount of 468 cubic feet; 2. For the Southwest shed (Cabana) (9.8'x16.4'): (i) §330-11 (residence districts table of dimensional regulations) for an accessory side yard setback of 3.4 feet where 10 feet is required and (ii) §330-84D (pyramid height) for an encroachment in the amount of 81 cubic feet; 3. For the Southeast she (6.9'x7.0'): (i) §330-11 for an accessory side yard setback of 2.1 feet and 1.7 feet and (ii)§330-84D (pyramid height) for an encroachment in the amount of 3.5 cubic feet; 4. For the Garage: (i) §330-11 for accessory side yard setbacks of 4.6 feet and 6.9 feet on the west side and to 7.0' feet on the north side and (ii) §330-84D (pyramid height) for an encroachment in the amount of 36 cubic feet; and 5. For the roof overhang (Carport) attached to the garage: (i) §330-11 for accessory side yard setbacks of 6.2 feet and 7.0 feet on the north side and (ii) §330-84D (pyramid height) for an encroachment in the amount of 49 cubic feet and any other relief necessary.

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NEW APPLICATIONS – Continued

SCTM – HAMLET

7. **Estate of Thomas Hamilton** (Vincent Dellasperanzo – Applicant) (appl. 1500070)
23 Anchor Street Brian 900-142-1-42 Flanders
Applicant requests relief from Town Code §330-11 (residence districts table of dimensional regulations) for a principal front yard setback of 35 feet where 40 feet is required and a principal rear yard setback of 16.8 feet where 50 feet is required for a proposed one-story dwelling and any other relief necessary.
8. **Nermin Brbutovic** (appl. 1500068) Adam 900-231-1-15 Hampton Bays
10 Ridge Lane
Applicant requests relief from Town Code §330-77D (placement of accessory buildings and uses in residence districts) to allow a rear yard coverage of 30.26% where a maximum of 20% is permitted for a pool and deck under-construction on a nonconforming lot and any other relief necessary.
9. **Raymond & Angie Giovanniello** (appl. 1500071) 900-343-1-54 East Quogue
3 Sanderling Lane Herb
Applicant requests relief from the following provisions of the Town Code: 1. For the covered slate stoop constructed without the benefit of a building permit: §330-11(residence districts table of dimensional regulations) for a principal front yard setback of 33.8 feet from Sterling Lane where 40 feet is required; 2. For a frame shed constructed within the required front yard of the principal building without the benefit of a building permit: (i) §330-11 for an accessory distance from street setback of 28.9 feet from Landing Lane and a setback of approx. 44+/- feet from Sanderling Lane where 50 feet is required, (ii) §330-76D (placement of accessory buildings and uses in all districts) and (iii) §330-83C (yards); 3. For an outdoor shower constructed within required minimum side yard of the principal building without the benefit of a building permit: (i) §330-76D (placement of accessory buildings and uses in all districts) and (ii) §330-83C (yards) ; 4. For the proposed one-story covered porch: §330-11 for a principal rear yard setback of 41.2 feet where 50 feet is required; 5. For the proposed two-story addition: §330-84D (pyramid height); 6. For the proposed one foot overhang: §330-11 for a principal rear yard setback to approximately 40.2+/- feet to the westerly roof overhang (eave) where 48.5 is the setback to a permitted eave encroachment, a principal front yard setback to approximately 32.8+/- feet to the northerly roof overhang (eave) where 38.3+/- feet is the setback to a permitted eave encroachment; and 7. For the in-ground swimming pool: (i) §330-11 for a accessory distance from street setback of 41.8 feet where 50 feet is required and (ii) §330-77D (placement of accessory buildings and uses in residence districts) for a rear yard lot coverage in excess of the maximum permitted 20% and any other relief necessary.
10. **Anthony Villareale** (appl. 1500072) Brian 900-43-1-73.1 North Sea
5 Wooleys Drive
Applicant requests relief from Town Code §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (Yards) to allow a swimming pool constructed without the benefit of a building permit to remain within the required minimum side yard of the principal building and any other relief necessary.

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READVERTISED APPLICATIONS

SCTM – HAMLET

11. **Theresa Cantwell Irrevocable Trust** (appl. 1500006) 900-264-4-13 Hampton Bays
5 Cornell Place
Applicant requests relief from the following provisions of the Town Code §330-11.2F (accessory apartment special standards) to legalize the construction of an accessory apartment in the basement of an existing dwelling without the benefit of a building permit on a lot that is less than 30,000 square feet : (i) a lot area of 10,125 square feet where 16,000 square feet is required, (ii) lot width of 75 feet where 84 feet is required, (iii) a principal minimum side yard setback of feet 10.1 where 14 feet is required, and (iv) a principal total side yard of 26.8 feet where 28 feet is required. In addition, applicant requests relief from §330-11.2G(1) to allow the size the accessory apartment to be in excess the maximum allowable 35% of the total floor area of the principal dwelling on a nonconforming lot and any other relief necessary.
12. **Michael Selleck** (appl. 1500061) Helene 900-29-2-40 Noyac
2548 Deerfield Road
Applicant requests relief from Town Code §330-115D(5) for a rear yard setback of 22.5 feet where a minimum setback of 30 feet is required in order to legalize a recreation use within a building legally constructed as a tool shed and changed without the benefit of a building permit on a nonconforming lot and any other relief necessary.

NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

HOLDOVER APPLICATIONS

SCTM – HAMLET

Held over from the 4/16/15 meeting:

13. **Lisa Candido** (appl. 1500048) Helene 900-342-2-27 East Quogue
12 Randall Lane
Applicant requests relief from the following provisions of the Town Code to allow a proposed pool to be located within the required front yard of the principal building on a nonconforming lot: (i) §330-76D (placement of accessory buildings and uses in all districts), (ii) §330-83(C) (yards), and (iii) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback of 10 feet where 50 feet is required and any other relief necessary.

HOLDOVER APPLICATIONS

SCTM – HAMLET

Adjourned from the 11/6/14 meeting; held over from the 12/4/14 meeting; adjourned from the 2/5/15 meeting; (3/5/15 meeting cancelled was put on 3/19/15 agenda for adjournment request); adjourned from the 4/16/15 meeting:

14. **Peconic Bay Marina, LLC & Peconic Residence, LLC** (a.k.a. Lobster Inn)
(appl. 1400117) 1 & 22 Inlet Road West and 2145 County Road 39
900-176-1-50 & 24 and 900-176-2-1.3 Herb Shinnecock Hills
Applicant requests a modification of ZBA Decision D012472, dated December 18, 2008, in order to construct 25 condominiums and an associated club house in a modified design with additional and different relief including the right to extend the approved plan to encompass a new parcel, SCTM# 900-176-1-24 without increasing the number of units. For SCTM 900-176-1-24, applicant requests a use variance, that is, relief from Town Code §330-6 (general regulations) and §330-10 (residential table of use regulations) to allow the construction of multiple housing units. For SCTM 900-176-1-50, applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a front yard setback of 40.5 feet where 50 feet is required, and relief from Town Code §330-76D (placement of accessory buildings and uses in all districts) and Town Code §330-83C (yards) for a proposed tennis court to be located in the required front yard. For SCTM 900-176-2-1.3, applicant seeks relief from (i) Town Code 330-11 for a principal front yard setback of 20 feet where 50 feet is required; (ii) Town Code §330-84D (pyramid height) for a proposed pyramid encroachment in the amount of 4, 825 cubic feet along Springdale Road (Inlet Road West) for a proposed club house; and (iii) relief from Town Code §330-167B(3) to allow a change from one nonconforming use to another, to wit, from a restaurant to a clubhouse associated with a residential yacht club community and marina. Applicant also seeks relief from Town Code §330-11, Town Code §330-76D, Town Code §330-83C, and Town Code §330-83A(4) to allow a proposed deck with a height greater than one foot above ground level attached to the clubhouse to be located within the required front yard with a setback of 9.4 feet from Springdale Road/Inlet Road West where 40 feet is required. In addition, applicant requests relief from Town Code §330-77A (placement of accessory buildings and uses in residence districts) to allow accessory parking to be located in the required front yard and any other relief necessary.

Held over from the 3/19/15 meeting; the sign aspect (only) of the application held over from the 4/2/15 meeting; adjourned from the 4/16/15 and the 5/7/15 meeting:

15. **Strong Oil Company, Inc.** (appl. 1500016) Keith 900-229-1-5 Hampton Bays
250 East Montauk Highway
Applicant requests relief from the following provisions of the Town Code to allow the installation of a 1,000 gallon propane tank on a nonconforming lot: (i) §330-83G(1)(a) (yards): to allow the proposed tank to be located within the minimum required transitional rear yard of 50 feet, (ii) §330-34 (business districts table of dimensional regulations) for a distance from street setback of 94.7 feet where 100 feet is required, and (iii) §330-34 for an accessory rear yard setback of 40.4 feet where 50 feet is required. In addition, applicant requests relief from the following provisions of the Town Code for an existing 20' wide by 4' high wall sign as located on the easterly façade of the accessory building used for accessory retail sales as follows: i) §330-205A(wall signs): §330-205A(1): To allow the operating entity(Strong Oil Co.) to display a wall sign(FOOD MART) that is not part of the official recorded name of the operating entity and therefore, does not represent the business entity that operates from the building to which the sign relates and, as such, is not a permitted wall sign, ii) §330-205A(1) To allow a wall sign with an area of 80 square feet that exceeds the maximum allowable area permitted of 31.5 square feet, iii) §330-205A(1): To allow a wall sign with a width of 20 feet that exceeds the allowable maximum width of 15.75 feet and any other relief necessary.

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CORRECTION

SCTM – HAMLET

16. **Philippe Rieser** (appl. 1500047) Denise 900-32-1-28.1 North Sea
 11 Beach Road
 On May 7, 2015, by decision number D015059, this Board granted the applicant relief for a proposed two-story dwelling with attached deck, a proposed detached garage and a proposed open stairway. This decision is be amended to correct various scrivener's errors.

DECISIONS

DATE CLOSED

SCTM – HAMLET

389 Montauk Highway, LLC (written submissions)	Keith	4/16/15	900-317-1-24	East Quogue
Alfred Glass, Theresa Glass, et al	Adam	11/6/14	900-323-2-17.3, 18, 19 & p/o 16 Hampton Bays	
Alicia Indorante (written submissions)	Adam	2/19/15	900-338-1-11 & 902-2-1-60 East Quogue	
James Bruno	Laura	5/7/15	900-5-4-4.1	Noyac
Michael Dwornik & Cindi Blair	Keith	5/7/15	900-376-1-69	Westhampton
Bridget Walters	Helene	5/7/15	900-191-4-15	Shinnecock Hills
Bridge Lane Partners, LLC (written submissions)	Adam	5/7/15	900-105-2-13.4	Bridgehampton
James M. Stone & Kathleen H. Curts-Stone (written submissions)	Laura	5/7/15	900-28-1-31	North Sea
Charles Ruoff & Laurence Malzberg (written submissions)	Helene	5/7/15	900-85-2-15	Bridgehampton
Jonathan Morse		5/7/15	900-101-3-17	Water Mill
James Bradshaw (written submissions 5/1)	Laura	4/2/15	900-82-1-8.19	Water Mill

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<u>DECISIONS – Cont’d</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Rodrigo Acosta	Herb	4/16/15	900-95-2-48	North Sea
Kerry J. MacWhinnie	Laura	4/16/15	900-101-3-1.6	Water Mill
Robert Crowe (written submissions)	Herb	3/19/15	900-376-1-61	Westhampton
Carlo & Jennifer Gabrielli (written submissions)	Helene	4/2/15	900-59-2-14	North Sea
395 Rose Hill Road, LLC (written submissions)	Helene	3/19/15	900-115-3-15.2	Water Mill